

DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

COMMERCIAL USE ALLOCATION ON SITKA AREA TRAILS AND ROADS



Guided clients on trail near Sitka, AK.

Sitka Ranger District Tongass National Forest Sitka, Alaska

Responsible Official: Perry Edwards, District Ranger
2108 Halibut Point Road Sitka, AK 99835
907-747-6671

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DECISION

Based upon my review of the Commercial Use Allocation on Sitka Area Trails and Roads Environmental Assessment (EA), I have decided to implement the Proposed Action, which assigns a maximum number of service days available for commercial use of specific Sitka Ranger District facilities. Apart from Salmon Lake and Mount Edgecumbe trails, all the trails, roads and campgrounds covered under the Proposed Action are accessible from the Sitka road system. Additionally, the Proposed Action allocates commercial use for recreation events by assigning a maximum allowable number of participants per event.

Most of the National Forest System (NFS) trails and roads in the project area cross multiple land owners. This decision applies only to activities conducted on NFS lands except where the Forest Service holds easements allowing the agency to regulate activities on Non-NFS lands.

DECISION RATIONALE

My decision to implement the Selected Alternative (Proposed Action) considered how best to meet the purpose and need for this project, the existing conditions within the project area, environmental effects, social values, and public comments. The conclusion is based on the project-specific environmental analysis included in the EA, and a review of the record that shows a thorough analysis using the best available science. The Selected Alternative meets the stated purpose and need within the framework of existing laws, regulations, policies, and the 2016 Forest Plan in relation to information disclosed in the EA and project record.

Council of Environmental Quality Regulation was reviewed for “significance” (40 CFR §1508.27) and determined that the decision is not an action that will significantly affect the quality of the human environment either individually or cumulatively; nor will this decision affect the quality of the human environment in either context or intensity. Therefore, an environmental impact statement (EIS) will not be prepared.

The Selected Alternative was chosen because it best meets the purpose and need and addresses the relevant concerns identified during project scoping. No modifications were made to the proposed action as a result of the comments received during the public scoping period.

The Commercial Use Allocation on Sitka Area Trails and Roads EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Tongass National Forest Schedule of Proposed Actions and updated periodically during the analysis. Tribal consultation letters describing the project and seeking input were mailed to 3 Southeast Alaska tribal governments and corporations on May 31, 2017. On August 4, 2017, a scoping letter providing a description of the project area, maps, the need for the proposal and a proposed action was posted on the project website. To alert the public of this scoping letter and to request public input, over 500 emails were sent to subscribers of Sitka Ranger District projects, and postal letters were sent to those requesting hard copies. A legal notice announcing a 30-day comment period for the EA

was published on April 1, 2019 in the Daily Sitka Sentinel, the newspaper of record. The EA lists agencies and people consulted on page 9. Project record location:

<https://www.fs.usda.gov/project/?project=52033>

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

2016 Tongass Land and Resource Management Plan

It was determined that this decision is consistent with the 2016 Tongass National Forest Land Management Plan. This project incorporates all applicable Forest Plan standards and guidelines and management area prescriptions as they apply to the project area and complies with Forest Plan goals and objectives.

Endangered Species Act (1973, as amended)

It was determined that there will be no effects to species listed as threatened or endangered (or candidate species) pursuant to Section 4 of the Endangered Species Act of 1973, as amended. Therefore, consultation with the U. S. Fish and Wildlife Service or National Marine Fisheries Service is not required.

Bald and Golden Eagle Protection Act (1940, as amended)

Project activities within bald eagle habitat will be in accordance to 50 CFR 22.26, National Bald Eagle Management Guidelines (2007). It was determined that no significant effects will occur to bald or golden eagles in the project area.

National Historic Preservation Act (NHPA) of 1966 (as amended)

It was determined that a conditional finding of “No Adverse Effect” to historic properties is appropriate for this project. A conditional finding requires monitoring under provisions stipulated in the Programmatic Agreement (PA) between the Forest Service, Alaska Region, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer. No sites eligible to the National Register (NR) will be adversely affected as a result of this Decision if all stipulations and mitigations are implemented. The primary mitigation factors are that the types of activities allowed under this Decision are generally not ground disturbing, permit holders and their clients will be encouraged to use *Leave No Trace* principles, and all permits will contain the Standard “Archeological-Paleontological Discoveries Clause.”

Not all roads and trails listed in the Proposed Action have been evaluated for eligibility to the NR. In order to comply with Section 106 of the National Historic Preservation Act, upon application (or renewal of an existing permit) for use of a road or trail which has not been evaluated for eligibility to the NR and the resource in question is 45 years or older in origin, prior to the issuing of that permit, Forest Service archaeologists will complete the Section 106 process detailed in 36 CFR 800 or the procedures within the PA.

If the results of the Section 106 process determine that NR-eligible sites will be adversely

affected by the proposed undertaking the Forest Service will work with the required Section 106 consultation partners to avoid, minimize, or mitigate adverse effects to those resources. Additional mitigation measures might include limiting the allocation of outfitter/guide service days more than originally proposed or the development of a historic properties management plan to ensure the resource in question is managed correctly in the future.

ANILCA Section 810 and Section 811, Subsistence Evaluation and Finding

No significant restrictions on the abundance and distribution of, or competition for subsistence resources in the project area are anticipated. Local use of the trail and road systems for access to hunting and fishing does occur. However, most commercial use takes place in the summer months and their travel is restricted to the trail and roads. Most subsistence use takes place off the actual trail or road system.

Clean Water Act (1977, as amended)

It was determined that this project fully complies with the Clean Water Act and have therefore determined no significant impact to water quality is expected to occur from this decision.

Clean Air Act (1970, as amended)

Emissions anticipated from the implementation of the Selected Alternative will be minor and of short duration and would not exceed State of Alaska ambient air quality standards (18 AAC 50). Therefore, it was determined that no significant impact to air quality is expected to occur from this decision.

Magnuson-Stevens Fishery Conservation and Management Act

Requires that all federal agencies consult with NMFS when any federal action is determined by the Forest Service to “may adversely affect” Essential Fish Habitat (EFH). Through internal scoping, it was determined this project will have no adverse effect on EFH.

Executive Order 11988 (Floodplains), Executive Order 11990 (Wetlands)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Executive Order 13007 – Indian Sacred Sites

Executive Order 13007 directs Federal agencies to accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. In a government-to-government relationship, the tribal government is responsible for notifying the agency of the existence of a sacred site. Tribal governments or their authorized representatives were consulted and they did not identify any specific sacred site locations within the project area.

Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments

Executive Order 13175 directs Federal agencies to respect tribal self-government, sovereignty, and tribal rights, and to engage in regular and meaningful government-to-government consultation with tribes on proposed actions with tribal implications. District staff contacted and provided information to the following tribal governments about this project: Sitka Tribe of Alaska. In addition, I provided information and an opportunity to consult with the following tribal corporations about this project: Sealaska Corporation and Shee Atika Inc.

Executive Order 13186 – Migratory Birds

The Migratory Bird Treaty Act of 1918 (amended in 1936 and 1972) prohibits the taking of migratory birds, unless authorized by the Secretary of Interior. The Decision will not have a significant direct, indirect, or cumulative effect on any migratory bird species in the project area.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27).

INTENSITY

The intensity of effects was considered in terms of the following:

- 1. Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Neither adverse nor beneficial effects are significant in context or intensity to warrant an EIS for this project. The finding of no significant environmental effects is not biased by the beneficial effects of the action.
- 2. The degree to which the proposed action affects public health or safety.** Based on the conclusions in the EA, it was determined that no significant impact will occur to public health and safety.
- 3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** The activities associated with the Selected Alternative are not expected to affect historic or cultural resources. However, mitigation measures will be employed should NR-eligible sites be discovered in future surveys (See **Findings Required by Other Laws and Regulations, National Historic Preservation Act of 1966** above). No park lands, farmlands, wetlands, wild and scenic rivers, or ecologically

critical areas will be affected because none of these areas are located within the area of potential effects for the project.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Forest Service has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** This action is not likely to establish a precedent for future actions with significant effects. It was therefore determined that the Selected Alternative will not set precedent for future actions with significant impacts, nor will it represent a decision in principle about a future consideration.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** It was determined that the Selected Alternative will have individually insignificant impacts and cumulatively insignificant impacts as they relate to past, present, and reasonably foreseeable actions.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The activities associated with the Selected Alternative are not expected to affect NR-eligible sites or cause loss or destruction of significant scientific, cultural, or historical resources. However, mitigation measures will be employed should NR-eligible sites be discovered in future surveys (See **Findings Required by Other Laws and Regulations, National Historic Preservation Act of 1966** above).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** It was determined that no significant impacts will occur that adversely affect an endangered or threatened species or its critical habitat.

No plants federally listed or proposed by the U.S. Fish and Wildlife Service are known or expected to occur in the Alaska Region; therefore, it was determined that no significant impacts will occur that adversely affect an endangered or threatened species or its habitat.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The following findings show the action does not violate federal, state, or local law requirements imposed for the protection of the environment and has been reviewed by federal and state agencies. The action is consistent with the Forest Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

OBJECTION OPPORTUNITIES

After this draft Decision Notice and Finding of No Significant Impact is made available to the public, a legal notice announcing the objection period for this project will be published in the Daily Sitka Sentinel, the newspaper of record. The publication date in the Daily Sitka Sentinel is the exclusive means for calculating the time to file an objection of this project. Those wishing to object to this proposed project should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted, timely, specific written comments regarding the proposed project unless the issues are based on new information arising after designated comment opportunities. Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual. Objections received on behalf of an organization are considered as those of the organization only. If an objection is submitted on behalf of a number of individuals or organizations, each individual or organization listed must meet the eligibility requirement (36 CFR 218.7). Names and addresses of objectors will become part of the public record.

The objection must be in writing and meet the content requirements at 36 CFR 218.8(d). Written objections, including any attachments, must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Reviewing Officer within 45 days of the publication date of the legal notice in the Daily Sitka Sentinel.

Objections must be sent to:

Forest Supervisor, Earl Stewart
Tongass Supervisor's Office, Ketchikan
648 Mission Street
Ketchikan, Alaska 99901
Fax: 907-228-6292
objections-alaska-tongass@fs.fed.us

For those submitting hand-delivered objections, the office business hours are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Electronic objections must be submitted in a format such as an email message, (.pdf), plain text format (.txt), rich text format (.rtf), or Microsoft Word (.doc or .docx). It is the responsibility of objectors to ensure that their objection is received in a timely manner (36 CFR 218.9).

IMPLEMENTATION DATE

As per 36 CFR 218.12(c)(2), if no objection is received within the objection filing period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period. If an objection is filed, this decision cannot be signed or implemented until the Reviewing Officer has responded in writing to all pending objections and any concerns or instructions identified by the Reviewing Officer have been addressed.

CONTACT

For additional information concerning this DRAFT decision, contact: Mike Mullin, Natural Resource Specialist, Sitka Ranger District, 2108 Halibut Point Rd, Sitka, Alaska 99835, 907-747-4274, michael.mullin@usda.gov.

RESPONSIBLE OFFICIAL

The District Ranger of the Sitka Ranger District is the official responsible for deciding the type and extent of management activities in the Commercial Use Allocation on Sitka Area Trails and Roads project area.

(Signature reserved for final decision)
J. PERRY EDWARDS
Sitka District Ranger

DATE

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